

**Wittels  
McInturff  
Palikovic**

January 14, 2025

**Via ECF**

The Honorable Allyne R. Ross  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (JAM)**

Dear Judge Ross,

Pursuant to Your Honor's Individual Practice I.B., we write to request that the Court direct the Clerk's office to place under seal Plaintiff's Memorandum of Law in Opposition to XOOM's Motion for Reconsideration of Continued Class Treatment in the above-captioned action, filed at Dkt. No. 282 ("Brief").

The reason for this request is that the Brief contains and references materials designated Confidential or Highly Confidential under the parties' protective order in this case, ECF 48-1. Class Counsel intended to file the Brief under seal, but inadvertently filed it on the public docket instead. This morning, Class Counsel contacted the Clerk's office and was directed to file this letter requesting that the Brief be sealed to remedy to error.

We therefore respectfully request that the Court direct the Clerk to seal the Brief. Class Counsel intends to confer with defense counsel on whether redactions are needed for the designated material in the Brief. Plaintiff will then either file a redacted version of the Brief or file it on the public docket, depending on defense counsel's assessment.

Thank you for the Court's attention to this matter.

Respectfully Submitted

/s/ Ethan D. Roman

Ethan D. Roman

*Class Counsel for Plaintiff and the  
Class*

cc: All Counsel of Record (via ECF)